

1 think you misspoke when -- I think you said that these  
2 documents show that the student program started in the fifties  
3 rather than the thirties or something like that?

4 MR. HONIG: No, I didn't mean started, but was at  
5 least memorialized. Now, it may have been memorialized  
6 earlier and later also.

7 JUDGE STEINBERG: Well, there was an FCC decision by  
8 --

9 MR. HONIG: From '38.

10 JUDGE STEINBERG: -- Mr. Theodore Pearson from 1938  
11 which mentioned the interrelationship between Concordia  
12 Seminary and the church and what the students -- background  
13 only. 29 is received.

14 (Whereupon, the document previously  
15 identified as NAACP Exhibit No. 29  
16 was received into evidence.)

17 MR. HONIG: Could, could -- Your Honor, could  
18 counsel place before the witness NAACP Exhibit 26?

19 JUDGE STEINBERG: He's got the book in front of him.

20 BY MR. HONIG:

21 Q Oh, you do? Okay. Do you recognize this to be the  
22 ownership report filed with the FCC on September 27, 1989 by  
23 KFUD?

24 A Yes.

25 Q Now, in looking at the -- at pages 3 and 4 of the

1 exhibit, those are the members of the board of the -- or were  
2 the members of the board of the Lutheran Church/Missouri  
3 Synod. Is that not right?

4 A That's correct.

5 Q And is it not the case that of these persons, the  
6 only one with whom you discussed the station's EEO compliance  
7 during the license term was Reverend Bohlman? Is that right?

8 A I did discuss it with Dr. Bohlman.

9 JUDGE STEINBERG: Doctor who? I'm sorry.

10 WITNESS: Bohlman. But I can't say that I did not  
11 have related conversations with other members.

12 MR. HONIG: Okay. Your Honor, I move NAACP  
13 Exhibit 26 into evidence.

14 MS. LADEN: I have an objection. How is it  
15 relevant?

16 MR. HONIG: There's been testimony by this witness  
17 including a chart relating to the chain of command and so on  
18 and the chart and all of the testimony of this witness  
19 concerning who reports to who and so on doesn't have practical  
20 -- it's impossible for someone not familiar with the church to  
21 understand it unless one also has testimony going to who  
22 talked to whom about the subject matter of this case and that  
23 was intended to button that down so that a court could  
24 understand it.

25 MS. LADEN: I don't see how this exhibit shows who

1 talked to who about --

2 MS. SCHMELTZER: Nor does it button down the  
3 organization --

4 JUDGE STEINBERG: We, we just had testimony from  
5 Reverend Devantier about who he spoke with on the board and  
6 that should "button down" that area. I don't see why we need  
7 26 in the record. It's rejected.

8 (Whereupon, the document previously  
9 identified as NAACP Exhibit No. 26  
10 was hereby rejected.)

11 MS. SCHMELTZER: I just want to make clear by the  
12 way, Your Honor, that when we were referring to Exhibit 26,  
13 that is the board of directors of the Lutheran Church/Missouri  
14 Synod.

15 JUDGE STEINBERG: That -- is that correct, Reverend  
16 Devantier?

17 WITNESS: That is correct. That's right.

18 MS. SCHMELTZER: And not the board for  
19 communications services of which Reverend Devantier is the  
20 executive director.

21 JUDGE STEINBERG: And the board of --

22 MS. SCHMELTZER: The board for communication  
23 services --

24 JUDGE STEINBERG: Right.

25 MS. SCHMELTZER: -- reports to the board of

1 | directors.

2 | BY MR. HONIG:

3 | Q Now, the next exhibit I'd like you to look at,  
4 | please, is NAACP Exhibit 37.

5 | MR. HONIG: And, Your Honor, my, my notes are  
6 | unclear. Was 37 admitted yesterday?

7 | JUDGE STEINBERG: I'll tell you in a second. Yes,  
8 | it was.

9 | MS. SCHMELTZER: Yes. Do you still want him to look  
10 | at it?

11 | MR. HONIG: Can I -- can we go off the record and  
12 | can I confer with Bureau counsel for one moment?

13 | JUDGE STEINBERG: Yes, you may.

14 | (Whereupon, off the record.)

15 | (Whereupon, on the record.)

16 | JUDGE STEINBERG: Mr. Honig?

17 | MR. HONIG: I have no questions about this exhibit  
18 | and I have no further questions for this witness.

19 | JUDGE STEINBERG: Okay. Thank you. Let's go off  
20 | the record.

21 | (Whereupon, off the record.)

22 | (Whereupon, on the record.)

23 | JUDGE STEINBERG: Now, Mrs. Laden?

24 | CROSS-EXAMINATION

25 | BY MS. LADEN:

1 Q Thank you, Your Honor. Hello, Reverend Devantier.

2 A Hello, Ms. Laden.

3 Q First of all, I'd like to ask you again if you would  
4 define synod for us.

5 A Well, the term itself comes from two Greek words,  
6 "syn" meaning with, together, and "hodos" which means road on  
7 the way. The literal meaning is walking together or walking  
8 together or walking on the same road. It implies a  
9 commonality in, in belief, common belief system and it's  
10 simply an alternative term to conference or organization or  
11 church. It simply denotes and organization, in this case a  
12 national organization comprised of many entities.

13 Q How many synods are there in the world?

14 A Well, in our church body there is, there is one  
15 synod -- so there's only one.

16 Q In the Lutheran Church how many -- are synods a  
17 subdivision of the church as a whole?

18 A How many Lutheran church bodies are there?

19 Q That's, that's correct.

20 A There, there are quite a number of, of Lutheran  
21 church bodies. I don't recall exactly how many in the United  
22 States, but there are three that are most frequently mentioned  
23 because they're the largest. The Lutheran Church/Missouri  
24 Synod with just over two-and-a-half million members, the  
25 Evangelical Lutheran Church of America with just over five-

1 million members, and the Wisconsin Evangelical Lutheran Synod  
2 with just under 500,000 members. National polls suggest that  
3 there are about ten- or eleven-million people living in the  
4 United States who claim to be Lutheran even though there's a  
5 smaller number who have affiliated and are counted by the  
6 Lutheran church bodies.

7 Q Reverend Devantier, if I could direct your attention  
8 to Mass Medial Bureau Exhibit 24. Do you recognize this  
9 document?

10 A Yes, I do.

11 Q Did you write this?

12 A With some assistance from staff members I'm sure,  
13 but yes, I compiled it and I submitted it to the board of  
14 directors of the Lutheran Church/Missouri Synod.

15 Q What was the purpose of this?

16 A If you'll permit me a bit of history to put this in  
17 context. The years even preceding 1987 there were a number of  
18 studies done related to the church bodies' efforts in the area  
19 of mass communication and duties related to KFUD and KFUD-FM.  
20 Those studies were occasioned by concerns related to the  
21 financial well-being of some of the organizations and  
22 institutions including KFUD, and some were occasioned simply  
23 by a desire to spell out in greater detail the plans that  
24 those organizations had for their own future activities within  
25 the church body. Some in our church body at this time before

1 this time and probably after this time questioned whether or  
2 not it was appropriate or necessary for the church body to own  
3 and operate radio stations and how they fit into the overall  
4 mission and ministry of the church body. And so from time to  
5 time including at this time it was necessary to explain to the  
6 board of directors what some of our activities were and what  
7 some of our plans were for the future and how those related to  
8 the overall mission of the church body.

9 Q Now, if you could turn to page 8 and look at page 8  
10 and 9 of this document. Have you had a chance to review that?

11 A Um-hum.

12 Q If you could look on page 9, number 4 --

13 A Um-hum.

14 COURT REPORTER: Excuse me. You have to say or no.

15 WITNESS: Yes.

16 BY MS. LADEN:

17 Q Would you agree that that suggests that providing  
18 training opportunities for future pastors is one of the goals  
19 of the stations?

20 A Yes.

21 Q And you allude that to that in your testimony as  
22 well, do you not?

23 A Yes.

24 Q Now, the training opportunities that were provided  
25 were by and large provided through the Concordia Seminary. Is

1 that, is that a fact? I'm talking about the training  
2 opportunities for future pastors.

3 A Yes, for the most part with Concordia Seminary.  
4 Although we did have opportunities to, to work with the other  
5 seminary in Fort Wayne, Indiana, or workshops and provide  
6 materials and the like for that seminary as well.

7 Q Those -- to the extent that the training  
8 opportunities involved people working at the station, did  
9 those tend to be part-time employees?

10 A Yes, they did.

11 Q Now, I think you've -- you know, you've testified,  
12 there certainly has been a lot of testimony, correct me if I'm  
13 wrong, that the stations are physically located on the campus  
14 of the Concordia Seminary. Is that correct?

15 A Yes, they are.

16 Q Are the stations expected to hire students and their  
17 spouses whenever there's an opening at the stations?

18 MS. SCHMELTZER: You talking about during the  
19 license term?

20 BY MS. LADEN:

21 Q During the license term, that's correct.

22 A There was a long-established practice because of the  
23 relationship between the seminary and the radio station that  
24 students from the seminary were frequently employed by the  
25 stations, but not expected in any legal or official sense of



1 that term. It was not -- no one mandated that activity.

2 Q Now, were there students or their spouses hired for  
3 full-time positions do you know during the license term?

4 A I'd have to look at that chart that's been referred  
5 to frequently in this hearing.

6 Q Okay.

7 A But I'm certain that at some time in that period  
8 there was a seminary wife that probably was employed full time  
9 by the station.

10 Q Was there a preference for students and/or their  
11 spouses when they came to be applicants for full-time  
12 positions at the station?

13 A I'm not sure I can answer that. I don't --

14 Q Well, let me, let me rephrase it. As a matter of  
15 policy was it, was it a policy for the stations to give a  
16 preference to an applicant who, who was a seminary student or  
17 a spouse of a seminary student?

18 A I am not aware of any established policy that gave  
19 preference to seminary students. But as a matter of practice  
20 because of the availability of seminary students and the long-  
21 standing relationship, the reality was quite a number of  
22 seminary students and spouses were employed for both part-time  
23 jobs and occasionally full-time jobs as well.

24 Q Now, you alluded to the arrangement with Concordia  
25 Seminary, and now, that arrangement was never reduced to

1 writing was it?

2 A Not to my knowledge.

3 Q Do you know during your term as general manager of  
4 the stations or thereafter during the license term, do you  
5 know whether -- how often a part-time employee might just  
6 automatically move into full-time work? In other words, by  
7 expanding the hours that they work?

8 A How frequently that occurred?

9 Q Yes, if, if at all.

10 A I would say rather infrequently.

11 Q Now, if you could turn to your testimony,  
12 Attachments 5 and 6, first, Attachment 5. Do you remember  
13 receiving this memo --

14 A Yes, I do.

15 Q -- from Mr. Lauher? And you testified in your  
16 direct testimony that you told Mr. Lauher to do whatever  
17 needed to be done to ensure compliance with the EEO  
18 requirements. Is that correct?

19 A That's correct.

20 Q Now, after you received -- let me rephrase that.  
21 After -- there was a standing committee meeting in April of  
22 1989, was there not?

23 A (No audible response.)

24 Q After that standing committee meeting, did you --  
25 JUDGE STEINBERG: Okay. Was there an answer to

1 that? I didn't hear it.

2 WITNESS: Yes, there, there was.

3 BY MS. LADEN:

4 Q After that standing committee meeting, did you  
5 discuss with Mr. Lauher the subject of the EEO compliance?

6 A After the standing committee meeting?

7 Q That's correct.

8 A I'm certain that we did.

9 Q Do you remember the nature of such discussions?

10 A I do not recall specifically.

11 Q Do you recall who initiated those discussions?

12 A Meetings with the general managers were, were rather  
13 frequent and I don't know that either one of us called a  
14 special meeting to discuss this matter but I'm sure that it  
15 happened in the normal course of our contact.

16 Q Now, Mr. Lauher's memo which is here as Attachment 5  
17 to your testimony recommends separating the EEO programs for  
18 the two -- for the AM and the FM stations. Is that correct?

19 A That's correct.

20 Q Now, at that meeting -- April 5, 1989 meeting of the  
21 standing committee it was resolved that the stations should  
22 operate under a single EEO program. Is that correct?

23 A That's correct.

24 Q Why was that resolution adopted by the standing  
25 committee?

1           A     To the best of my recollection, the discussion in  
2 that standing committee meeting revolved around the pros and  
3 cons of having separate programs or a single program --

4                   JUDGE STEINBERG:   EEO program?

5                   WITNESS:   EEO program and the standing committee  
6 felt because of the similarity in purposes of the two radio  
7 stations and because of the affiliation of both radio stations  
8 with the Lutheran Church/Missouri Synod that a single policy  
9 would suffice.

10                   BY MS. LADEN:

11           Q     Did you recommend to the standing committee that  
12 they adopt the single EEO program policy?

13           A     I do not recall.

14           Q     Do you know what the basis was for Mr. Lauher's  
15 recommendation about separating the EEO programs?

16           A     To the best of my recollection, Tom Lauher saw the  
17 two stations as more distinct from one another than apparently  
18 the standing committee did and I would have to say then than I  
19 did. But whether that was a major contributing factor or not  
20 I don't know.

21           Q     Did you specifically discuss with Mr. Lauher that  
22 recommendation about separating the EEO programs?

23           A     Did I discuss that with him?

24           Q     Yes.

25           A     Yes, I'm sure that we did.

1 Q Did you discuss the resolution of the standing  
2 committee in that regard with Mr. Lauher?

3 A I'm sure that I did. The normal practice was to  
4 share with, with managers and sometimes with staff outcomes of  
5 the standing committee meetings.

6 Q Now, Attachment 7 of your testimony are the minutes  
7 of the standing committee meeting that we were talking about,  
8 and I think it's been pointed out that the year should be  
9 April 5, 1989. Is that correct?

10 A That's correct.

11 Q The date should be -- now, these minutes reflect  
12 that there was a discussion about the, the stations' EEO  
13 programs. Is that correct?

14 A That's correct.

15 Q Did you initiate that discussion in the standing  
16 committee?

17 A It normally is my responsibility to, to construct a  
18 proposed agenda for the standing committee and I'm looking to  
19 see if any other staff persons were represented at the meeting  
20 and I don't believe there were any other staff persons so I'm  
21 sure that I did.

22 Q Now, what was the reason that you brought up the  
23 subject for discussion at the standing committee?

24 A It resulted -- this activity resulted from  
25 conversations that had taken place with Tom Lauher in memos

1 that he had written.

2 JUDGE STEINBERG: This memos, Attachments 5 and 6 to  
3 your testimony?

4 WITNESS: Yes, that is correct.

5 BY MS. LADEN:

6 Q Now, turning back to Attachment 5,  
7 Mr. Lauher's memo states that, "There are plenty of areas of  
8 improvement in the stations' EEO compliance."

9 JUDGE STEINBERG: That's on page handwritten --  
10 excuse me, stamped page 5.

11 BY MS. LADEN:

12 Q Thank you, Your Honor. Did you discuss any of these  
13 specific areas with Mr. Lauher?

14 A While I do not recall the specifics, I do recall  
15 conversations and I'm certain that we, we talked about  
16 specifics.

17 Q Do you recall what those specifics might have been?

18 A Not in connection with this particular memo. I do  
19 recall talking more about the specifics in response what is  
20 Attachment 6 that is that listing where we did get into  
21 specifics.

22 Q Okay, and I'll get to Attachment 6 in a moment.  
23 What was -- what did you do specifically to improve the  
24 stations' compliance?

25 A Encouraged and supported staff in their efforts. If

1 the question is how did I personally become involved in the  
2 detail, had little opportunity to do that or was not involved  
3 in the specific details of the implementation of the program  
4 but encouraged and supported those who had the responsibility  
5 to, to do so.

6 Q Now, in the renewal application that was filed in  
7 September of 1989 you are listed as the person responsible for  
8 the implementation of the EEO program. Is, isn't that  
9 correct?

10 A That's correct.

11 Q But you were not involved in the day-to-day  
12 implementation of the program?

13 A I was involved in, in interviewing and selecting  
14 some of the management-level personnel and to that extent I  
15 became involved in the actual hiring process for individuals.  
16 I was involved in, in the preparation of some position  
17 descriptions, so to that extent got involved in the hiring  
18 practice. The, the EEO program as such, the administration  
19 and implementation, the day-to-day aspects of that, I'm sure  
20 was even at that time more the responsibility of, of Dennis  
21 Stortz than it was mine. The period of time when there was a  
22 vacancy in that position was relatively short but it did  
23 include the specific date on which that form was submitted to  
24 the FCC.

25 Q In other words, on the date when your name appeared

1 on the renewal form there was no general manager at the  
2 station?

3 A That's correct.

4 Q Is that why your name was put on there?

5 A Yes. Had there been a general manager, the general  
6 manager's name would have appeared as it did on earlier  
7 reports.

8 Q What did you understand the stations' EEO program to  
9 be?

10 A Providing equal opportunity to applicants for  
11 positions, seeking qualified applicants for positions without  
12 regard to race, providing equal opportunity to existing  
13 employees regardless of, of, of race for promotion and all of  
14 the other things including benefits to the individual, working  
15 conditions, so forth and so on.

16 Q Did the program include an affirmative-action  
17 component?

18 A In retrospect, we wished that that component had  
19 been stronger, but we did even during the license period  
20 engage in, in activities that were intended to, to attract or  
21 at least identify minorities for positions at KFUD.

22 JUDGE STEINBERG: Let me, let me interrupt if I may.  
23 The program which is in Ms. Cranberg's exhibit, the -- it's  
24 Tab something, page 7 if I remember correctly, IV. Is that  
25 correct? I mean, is it -- which tab is it?



1 MS. SCHMELTZER: Yes, it's --  
2 JUDGE STEINBERG: Which attachment?  
3 MS. SCHMELTZER: -- it's Attachment 5.  
4 JUDGE STEINBERG: Exhibit 8, Attachment 5, page 7.  
5 MS. SCHMELTZER: Page 4. Do you want the '83 or the  
6 '89?  
7 JUDGE STEINBERG: '89.  
8 MS. SCHMELTZER: That's not '89, that's --  
9 MS. LADEN: The, the '89 is Exhibit 4.  
10 Mr. Stortz's is --  
11 JUDGE STEINBERG: Exhibit 4, page 4?  
12 MS. LADEN: It's Attachment 16.  
13 JUDGE STEINBERG: Okay. Anyway, that contains the  
14 program and Ms. Laden's question went to what was the  
15 stations' program. Perhaps the question should also go to --  
16 should -- or the next question should be they had a policy,  
17 they had a program and that's contained in Section IV of the  
18 1989 form or application. Perhaps the question should be what  
19 did the station do to implement that program. I think what  
20 Ms. Laden's was did the station have a program, yes, the  
21 station had a program. But the next question is  
22 implementation of -- what did they do to implement, implement  
23 the affirmative-action program?  
24 MS. LADEN: Okay. I'll ask that question, but  
25 without conceding that the station had programs.

1 JUDGE STEINBERG: Okay.

2 BY MS. LADEN:

3 Q What did the station do to implement the equal-  
4 opportunity program that was listed -- that was set forth in  
5 the renewal application in 1989?

6 A So, i t's the period of time following 1989?

7 Q Yes.

8 JUDGE STEINBERG: Should have been the other way.

9 MS. SCHMELTZER: The '83.

10 JUDGE STEINBERG: Yeah.

11 MS. SCHMELTZER: It -- we're going to ask what was  
12 done during the license period?

13 JUDGE STEINBERG: Correct, to implement the program  
14 expressed in '83.

15 MS. SCHMELTZER: Right, and that's Exhibit 8,  
16 page 4.

17 JUDGE STEINBERG: That's the one that I said first.

18 MS. SCHMELTZER: Right. Do you want me to put it in  
19 front of the witness?

20 JUDGE STEINBERG: If the witness wants to see it.  
21 Okay. Let's -- this is Exhibit 8, Tab 6, page --

22 MS. SCHMELTZER: Tab, Tab 5, page 4.

23 JUDGE STEINBERG: 7.

24 MS. SCHMELTZER: Well, recruitment is page 4.

25 JUDGE STEINBERG: Okay.

1 BY MS. LADEN:

2 Q Now, if you could look at that recruitment -- the  
3 statement of the program with respect to recruitment. Could  
4 you tell us what the station did to implement this recruitment  
5 program?

6 MR. GOTTFRIED: During the license term?

7 BY MS. LADEN:

8 Q During the license term, or during the period that  
9 followed this EEO report until the end of the license term.

10 A For at least certain vacancies during the license  
11 period, advertisements were placed in newspapers, magazines  
12 and the like seeking to attract applicants to the radio  
13 station. We relied heavily on church media and the department  
14 of human resources, I believe at the time it was called the  
15 department -- the personnel department of the Lutheran  
16 Church/Missouri Synod. Those organizations, entities, sources  
17 are those with which our nondiscriminatory -- the last  
18 paragraph in Section IV under recruitment that talks about  
19 encouraging present employees to refer other candidates may  
20 have been the one most successful for KFUD. It may have been  
21 the one used at least in the early period of the license  
22 renewal more than, than others because it was easy and we had  
23 access to existing employees. And the one that comes to mind  
24 of Lula Daniels with whom I had worked at KFUD during my  
25 earlier years at the radio station who I know referred a

1 number of, of individuals to KFUD seeking positions. And I, I  
2 recall one -- at least one specifically that became an  
3 employee of KFUD, there may have been more. It was also our  
4 experience that Lula and others were part of a network of  
5 congregations and Lutherans in the community and so forth who  
6 by word of mouth would identify individuals who may be  
7 qualified for positions at KFUD or who would alert those  
8 looking for positions to apply at KFUD.

9 MS. LADEN: Your Honor, if I could just have one  
10 moment?

11 JUDGE STEINBERG: Certainly.

12 BY MS. LADEN:

13 Q I think I -- if you could turn to the Church's  
14 Exhibit 4, Attachment 16 and that would be Mr. Stortz's  
15 testimony. That's the renewal application. Attachment 16,  
16 and page 7. Page 7.

17 A Stamped 7?

18 Q That's correct. And you see at the top where it  
19 says "IV recruitment"? Now, I wonder if you could read to  
20 yourself the second sentence in that paragraph beginning "We  
21 deal only with employment services..." and so on.

22 A Okay.

23 Q Does that statement mean that KFUD deals only with  
24 employment services in recruiting, or does it mean that to the  
25 extent the station deals with employment services those

1 employment services refer to job candidates without regard to  
2 their race, color, religion, national origin or sex?

3 A My understanding, and it may not be the technically  
4 correct understanding of the particular authors of this -- of  
5 these words, but we deal only with employment sources, those  
6 who refer candidates such as agencies, departments, entities,  
7 individuals and so forth to the extent that we are able to  
8 control that which refer candidates without regard to so forth  
9 and so on.

10 Q But in fact, the church uses other recruitment  
11 sources other than employment services?

12 A Yes.

13 Q Reverend Devantier, if you could turn to Attachment  
14 6 of your testimony. That was a second memo to you from Tom  
15 Lauher.

16 MR. GOTTFRIED: I'm sorry, what, what exhibit?"

17 MS. LADEN: Attachment 6.

18 MR. GOTTFRIED: Of this own --

19 MS. LADEN: Of --

20 JUDGE STEINBERG: Exhibit 7.

21 BY MS. LADEN:

22 Q Exhibit 7. Now, do you recall receiving this memo  
23 from Mr. Lauher?

24 A Yes, I do.

25 Q And when you received this memo did it have the

1 check marks that, that this copy includes?

2 A I believe that it did.

3 Q Do you know -- today do you know what those check  
4 marks represent?

5 A They were Mr. Lauher's analysis of those areas at  
6 the station where we were in full compliance. The NA's  
7 indicating that that was not applicable and the other areas  
8 where Mr. Lauher was not certain whether or not we were in  
9 compliance, whether additional work needed to be done, but at  
10 least areas that we should take a closer look at.

11 Q And was that your understanding of the check marks  
12 when you received this memo as well?

13 A I remember discussions with Mr. Lauher about this  
14 listing and these subjects. I don't have specific  
15 recollection concerning the, the check marks or how I  
16 interpreted them initially.

17 Q Is it your testimony that you discussed with  
18 Mr. Lauher each one of these items specifically?

19 A No, I do not recall discussing every, every item on  
20 this list.

21 Q Did you discuss -- do you recall discussing the list  
22 with him?

23 A Yes.

24 Q Now, Mr. Lauher -- you were here when Mr. Lauher  
25 testified that he's no longer at the station.

1 A Yes.

2 Q -- and he gave the date when he left. And if you  
3 recall, he testified that his -- in his opinion his leaving  
4 the station had nothing to do with the stations' EEO program.  
5 Is that your understanding --

6 A Yes.

7 Q -- of events also?

8 A Yes, it is.

9 Q Now, if you could turn back to Mr. Stortz's  
10 testimony, Exhibit 4, at Attachment 13. And if you recall,  
11 Mr. Lauher testified about some of the changes that he was  
12 recommending. Did you discuss -- have you ever seen this memo  
13 before you prepared for this hearing? Or I should say before  
14 this -- the hearing designation order as adopted in this case?

15 MS. SCHMELTZER: If I may just say, I would object  
16 to the -- I mean to the characterization in the question.

17 BY MS. LADEN:

18 Q Okay. Let me --

19 JUDGE STEINBERG: What characterization?

20 MS. SCHMELTZER: That this, this was a  
21 recommendation.

22 JUDGE STEINBERG: I see.

23 BY MS. LADEN:

24 Q Okay. Let me, let me rephrase that. Did you see  
25 this -- have you seen this memo before? Did you see this memo

1 on or about April 26, 1989?

2 A I do recall seeing some of the attachments and  
3 discussing them. I don't have a vivid recollection of the  
4 memo itself.

5 JUDGE STEINBERG: If you'd look at the bottom of  
6 page 1, it, it indicates that you were copied with it.

7 BY MS. LADEN:

8 Q Now, who did you have those discussions about these  
9 items with?

10 A I recall conversations with Mr. Lauher. I, I don't  
11 specifically recall conversations with, with Dennis Stortz and  
12 -- or Bob Thompson and Paula Zika to whom this memo is  
13 addressed. But it would, it would certainly be possible that  
14 I also discussed some of these matters with some of them.

15 Q Okay. If you could turn to page 8 -- stamped page 8  
16 of this memo, and if you recall, Mr. Lauher testified that  
17 this was a new application -- employment application from that  
18 he I believe indicated he had designed. Did the stations ever  
19 put this application form into effect?

20 A I do not know.

21 Q Now, Mr. Lauher testified that one of his concerns  
22 with the application form was certain language about religious  
23 affiliation and language about the preference for members of  
24 the Lutheran Church. Do you know whether that -- those  
25 references were ever removed from the stations' application



1 forms during the license term?

2 A I do not know.

3 Q Okay. I'd like to turn to a slightly different  
4 area, Reverend Devantier. During the license term on average  
5 how many announcers would you say were on the AM station at  
6 any given time?

7 A Full time -- full and part time?

8 Q How about full time?

9 A Full time on the AM station, the average? Three or  
10 four full-time employees who had some announcing  
11 responsibilities.

12 Q Were there part-time announcers also?

13 A Yes.

14 Q How many would you say on average?

15 A At any given time --

16 Q At any given --

17 A -- two or three.

18 Q Did you say two or three?

19 A Yes.

20 Q Were the duties pretty much the same for the, for  
21 the full-time as for the part-time announcers?

22 A The full-time announcers to the best of my  
23 recollection had responsibilities other than announcing which  
24 made their positions different than the part-time announcers  
25 whose responsibilities were in some instances exclusively